Docket No.: 022290.0123PTUS
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Application of:
Florence GUIMBERTEAU *et al.*

Application No.: 10/522,252 Confirmation No.: 8812

Filed: February 15, 2006 Art Unit: 1618

For: ORAL PHARMACEUTICAL FORMULATION IN THE FORM OF A PLURALITY OF MICROCAPSULES FOR PROLONGED RELEASE OF ACTIVE PRINCIPLE(S) WITH LOW SOLUBILITY

Examiner: N. Ebrahim

DECLARATION OF HERVE GUILLARD

1. My name is Hervé GUILLARD.

2. I have been an employee of Flamel Technologies since 2004.

3. My position at Flamel Technologies is research scientist at the Oral Forms Research Department.

4. I have a PhD in Polymer Science.

5. I have worked in the area of pharmaceutical compositions for 7 years.

6. I consider myself to be one of skill in the art of oral pharmaceutical compositions for delayed and controlled release of active principles.

7. I supervised Jean-Luc TERRANCLE who made the experiment described below.

8. To the best of my knowledge, the information below is an accurate description of how the experiment described below was carried out.

9. In the example 4 of Autant et al. US 6,022,562, PVP (polyvinylpyrrolidone) is used to make microparticles of aciclovir.

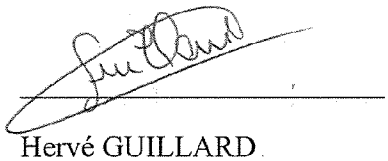
10. The solubility of aciclovir in the presence of PVP (polyvinylpyrrolidone) has been measured according to the protocol described in the US Patent Application 10/522,252 paragraphs 46 and 48 defining the requirements for an excipient to be considered as a solubilizing agent according to this application.

11. 20 g of aciclovir powder was introduced into 1000 ml of an aqueous solution containing 20 % w/w of PVP (polyvinylpyrrolidone). After stirring for 6 hours at 37 °C, the suspension is filtered through a filter. The solubilized aciclovir was determined by UV measurement. Solubility was found to be equal to 3.3 g/l.

12. Independently, 20 g of aciclovir powder was also introduced into 1000 ml of an aqueous solution without PVP. After stirring for 6 hours at 37 °C, the suspension was filtered through a filter. The solubilized aciclovir was determined by UV measurement. Solubility was found to be equal to 2.6 g/l.

13. In the conditions of the solubility test described in the US Patent Application 10/522,252 paragraphs 46 and 48, aciclovir solubility in an aqueous solution containing PVP was 27 % greater than in an aqueous solution without PVP.

14. I declare that all statements made of my own knowledge are true and all statements made on information and belief are believed to be true. I make this declaration with the understanding that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the patent application.



02 June 2010

Hervé GUILLARD Date